

Doc Code: M865 or FAIRREQ.INTV

PTOL-413A (08-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**Applicant Initiated Interview Request Form**

Application No.: 10/588325 First Named Applicant: Daniel Thommen
 Examiner: Christopher L. Templeton Art Unit: 3773 Status of Application: Final Rejection

Tentative Participants:

(1) Kirsten Thomson (2) Michael Baniak
 (3) Christopher L. Templeton (4) Jackie T. Ho

Proposed Date of Interview: Dec. 1st or 2nd, 2010 Proposed Time: 10:30 AM (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1, 2, 4-11, 13, 17</u>	<u>Kotula</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej.</u>	<u>12, 15</u>	<u>Kotula & Freudenthal</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached ☐ Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented: See attached continuation sheet.

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed and filed by applicant in advance of the interview (see MPEP § 713.01). If this form is signed by a registered practitioner not of record, the Office will accept this as an indication that he or she is authorized to conduct an interview on behalf of the principal (37 CFR 1.32(a)(3)) pursuant to 37 CFR 1.34. This is not a power of attorney to any above named practitioner. See the Instruction Sheet for this form, which is incorporated by reference. By signing this form, applicant or practitioner is certifying that he or she has read the Instruction Sheet. After the interview is conducted, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible. This application will not be delayed from issue because of applicant's failure to submit a written record of this interview.

/Kirsten L. Thomson/

Applicant/Applicant's Representative Signature

Kirsten L. Thomson

Typed/Printed Name of Applicant or Representative

62,861

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The items for discussion during the interview include the following:

- In paragraph 1 of Examiner's response to Applicant's arguments in the office action mailed September 10, 2010, the Examiner states that Kotula's "Figures 13-15 and 18 all show thin elongate members. Also page 28, lines 22-24 teaches them as nitinol wires." To the contrary, the verbatim quote from those lines is "nitinol wire **mesh**," which supports applicant's arguments. Similarly, Figures 13-15 and 18 illustrate "**braided metal fabric** device 300". See Kotula, page 28, line 14. These are not thin elongate members as claimed, and, as explained in the previous response, Kotula's mesh structure would frustrate the operation of the claimed invention.
- In paragraph 4 of Examiner's response to Applicant's arguments, the Examiner states that "Figures 14, 15, and 18 show the occluding bodies 316 attached to the elongate members." Actually, Kotula specifically states that the device is "**filled with** polyester fibers" (page 5, lines 20, 22, and 28) and "**can contain** polyester fibers 316 (see Figures 15 and 18)" (page 29, lines 29-30). Accordingly, Kotula's polyester fibers are not in fact "attached" to thin elongate members, rather they are contained with Kotula's mesh. And with respect to the point above, if Kotula taught thin elongate members as the Examiner suggests, these free-floating polyester fibers would spill out of the device upon expansion.
- In paragraph 5 of Examiner's response to Applicant's arguments, the Examiner states that no structure is claimed for the occluding body. Yet, first and second occluding bodies are explicitly recited. To occlude means to "to close, shut, or stop up (a passage, opening, etc.)." See, e.g., <http://dictionary.reference.com/browse/occlude>. An occluding body, quite simply, is a body that occludes; no further structure need be recited.

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- In paragraph 6 of Examiner's response to Applicant's arguments, in view of the fact that Kotula does in fact teach only mesh/braided metal fabric, it could not physically be combined with Freudenthal's occluding body to achieve the claimed device.